

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

REVOLAZE LLC,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC. et al.,

Defendants.

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Case No. 2:19-CV-0043-JRG

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**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

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Pursuant to the Docket Control Order (Dkt. No. 30) and P. R. 4-3, Plaintiff RevoLaze LLC (“RevoLaze”) and Defendants J. C. Penney Corporation, Inc. and J. C. Penney Purchasing Corporation (collectively “J. C. Penney”) offer the following Joint Claim Construction and Prehearing Statement.

**I. Patent Local Rule 4-3 Disclosures**

**(a) The construction of claim terms, phrases, or clauses on which the parties agree.**

The parties have not reached agreement as to the construction of any of the disputed claim terms, phrases or clauses. However, the parties agree that the terms that are not proposed for construction in Exhibit A do not require construction.

**(b) Each party’s proposed construction of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction of the claim or to oppose any other party’s proposed construction of the claim, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses.**

The parties attach a Joint Claim Construction Chart as Exhibit A. The Joint Claim Construction Chart contains each party’s proposed construction of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence pursuant to P. R. 4-3(b). All Parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by any other Party, and any evidence obtained through claim construction discovery. In addition, each Party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by any other Party, or for other good cause.

**(c) The anticipated length of time necessary for the Claim Construction Hearing;**

The parties respectfully requests three (3) hours as the total length of time for the Claim Construction Hearing.

**(d) Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing, and the identity of each such witness.**

Neither party currently expect to call any witnesses, including expert witnesses, at the Claim Construction Hearing.

**(e) A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference.**

Pursuant to P.R. 4-3(e), the parties state as follows: RevoLaze and J. C. Penney are not aware of any other issues that might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing.

Dated: November 26, 2019

Respectfully submitted,

*Attorneys for Plaintiff RevoLaze LLC*

*Attorneys for Defendants J. C. Penney Corporation, Inc. and J. C. Penney Purchasing Corporation*

/s/ Meagan Leslie

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**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on November 26, 2019:

*/s/ Meagan Leslie*